

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2005 AUG 15 P 5:13

Christopher A. Moore)
Plaintiff)
MARY LOU MOORE ESTATE)
Plaintiff)
V.)
KINDRED HEALTHCARE)
OPERATING INC., EDWARD L)
KUNTZ, JAMES RODGERS MD,)
MURALI RAMADURAI MD, MARY)
WALKER HOWARD, KIMBERLY)
MOODY, JOSEPH FRANCIS,)
DALE MITCHELL, VISITING)
NURSE ASSOCIATION OF)
BOSTON INC, JOANNE HANDY,)
MARISA HOSMER, VIRGINIA)
TRITSCHLER, FEDERAL)
MANAGEMENT CO. INC., MARY)
GAVIN, ALLEN PERKINS,)
BETTE ANDERSON FISH,)
GILLIAN GATTIE, STEPHEN)
WILCHINS, RICHARD HENKEN)
Defendants)

CIVIL ACTION

NO: ~~05-11732-201~~

Referred to MS JL Alexandre

INTRODUCTION

This is an action brought by the plaintiffs for the substantial damages Mary Lou Moore suffered when the defendants engaged in brutal and heinous actions including having an eighty six year old African American widow, Mary Lou Moore, being assaulted and abducted from her home by filing false, misleading and deceptive medical and safety reports with the Suffolk County Probate Court leading to her imprisonment where she was forced to ingest psycho

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tropic drugs against her will. While under the influence of these mind altering medications Mrs. Moore was given a psychological examination. The results of this examination was used by the defendants to bolster their allegation that Mrs. Moore suffered from mental illness. The forced imposition of these psycho tropic drugs had been banned by order of the Massachusetts Supreme Judicial Court unless prior authorization from a Probate Court Judge. No such authorization was ever requested or granted.

Christopher Moore also seeks damages from the Defendants for the physical and emotional harm caused by the infliction of physical and emotional distress suffered by Mary Lou Moore by the defendants.

COMPLAINT

PARTIES

1. Plaintiff, Estate of Mary Lou Moore (hereinafter "Plaintiff #1" or "Estate of Mary Lou Moore".) Mary Lou Moore died on April 20, 2004. Christopher A. Moore was appointed administrator of her Estate on June 28, 2004 by the Suffolk County Probate Court. Christopher A. Moore is an adult who resides at 141 Intervale Street, Boston, Massachusetts 02121.
2. Plaintiff, Christopher A. Moore (hereinafter "Plaintiff #2" or "Christopher Moore" or "Mr. Moore")

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is an adult who resides at 141 Intervale Street,
Boston, Massachusetts 02121.

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3. Defendant Kindred Healthcare Operating, Inc.
(hereinafter "Kindred") is a foreign Corporation.
Kindred operated the Star of David Nursing Home
(hereinafter "Star of David") where Mrs. Moore was
imprisoned and medicated. The principal office of
Kindred is 680 So. Fourth Ave., Louisville, KY 40202.
4. Defendant Edward Kuntz is and adult and is the
President of Defendant Kindred. Edward Kuntz address
is 400 W. Market St. Ste 3300, Louisville, KY 40202.
5. Defendant James Rodgers is a Massachusetts licensed
physician. Defendant James Rodgers was affiliated
with the Star of David. James Rodgers address is 100
Peregrine Road, Newton, MA 02459
6. Defendant Murali Ramadurai is a Massachusetts
Licensed physician. Defendant Murali Ramadurai was
the doctor responsible for Mrs. Moore's care at Star
of David. Murali Ramadurai's address is 83
Littlefield Rd, Newton, MA 02459
7. Defendant Mary Walker Howard is a worker employed by
an agency called Ethos. Defendant Mary Walker Howard
placed Mrs. Moore at the Star of David. Mary Walker
Howard's address is 555 Amory Street, Jamaica Plain,
MA 02130

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8. Defendant Kimberly Moody is the Supervisor of Defendant Mary Walker Howard. Kimberly Moody's address is 555 Amory Street, Jamaica Plain, MA 02130.
9. Defendant Joseph Francis is the Supervisor of Defendant Mary Walker Howard and Defendant Kimberly Moody. Joseph Francis' address is 555 Amory Street, Jamaica Plain, MA 02130.
10. Defendant Dale Mitchell is the supervisor of Defendant Joseph Francis, Defendant Kimberly Moody and Defendant Mary Walker Howard. Dale Mitchell's address is 555 Amory Street, Jamaica Plain, MA 02130.
11. Defendant Visiting Nurse Association of Boston, Inc.. (Hereinafter "VNAB") is a Massachusetts Corporation. Visiting Nurse principal office is 647 Summer Street, Boston, MA 02110.
12. Defendant Joanne Handy is the President of Defendant VNAB. The address of Joanne Handy is 647 Summer Street, Boston, MA 02110
13. Defendant Virginia Tritschler is an employee of Defendant VNAB. The address of Virginia Tritschler is 647 Summer Street, Boston, MA 02110
14. Defendant Marisa Hosmer is an employee of the Defendant VNAB. The address of Marisa Hosmer is 647 Summer Street, Boston, MA 02110

15. Defendant, Federal Management Co., Inc.. (hereinafter "Federal Management") is a domestic profit corporation. Federal Management manages the rental property at 10 Temple Place, Boston, MA 02111, known as the Stearns (hereinafter "Stearns"). Federal Management has a principal place of business at 175 Federal Street, Suite 700, Boston, Massachusetts 02110.
16. Defendant, Mary Gavin is a United States Citizen and is employed by the Defendant, Federal Management, as the Residential Coordinator for the Stearns. The Residential Coordinator's office is located at the Stearns, 10 Temple Place, Boston, Massachusetts 02111.
17. Defendant, Allen Perkins is a United States Citizen and is employed by the Defendant Federal Management as property manager for the Stearns. The property management office is located at the Stearns, 10 Temple Place, Boston, Massachusetts 02111.
18. Defendant, Bette Anderson Fish is an adult resident of Massachusetts and is employed by the Defendant Federal Management as President of the Corporation of Federal Management. The Corporate office is located at 175 Federal Street, Suite 700, Boston, Massachusetts 02110.

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19. Defendant, Gillian Gattie is an adult resident of Massachusetts and is Treasurer and Secretary of the Corporation of Federal Management. The Corporate office is located at 175 Federal Street, Suite 700, Boston, Massachusetts 02110.
20. Defendant, Richard Henken is an adult resident of Massachusetts and is a Director of the Corporation of Federal Management. The Corporate office is located at 175 Federal Street, Suite 700, Boston, Massachusetts 02110.
21. Defendant, Stephen Wilchins is an adult resident of Massachusetts and is a Director of the Corporation of Federal Management. The Corporate office is located at 175 Federal Street, Suite 700, Boston, Massachusetts 02110.

JURISDICTION

22. The court has jurisdiction over this matter pursuant to 28 U.S.C. (s) 1331. Civil Rights Act of 1866 42 U.S.C. (s) 1982; Civil Rights Act of 1866 42 U.S.C (s) 1981; Title VI of the Civil Rights Act of 1964 42 U.S.C (s) 200d et seq.; Title VI (s) 601; Section 504 of the Rehabilitation Act of 1973; 29 U.S.C. (s) 794.

FACTS

23. The Stearns Building, located at 10 Temple Place was converted to elderly housing in 1981. After the

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conversion there was one owner for the Stearns from 1981 until December 2001 when the title was transferred. The Federal Management Company became the new apartment building managers.

24. Mary Lou Moore was one of the original tenants at "The Stearns" when she moved in at age sixty-five. Mrs. Moore lived at The Stearns continuously up through the ownership transfer in December of 2001.
25. Employees from Federal Management fabricated safety issues in order to create the illusion that Mrs. Moore was unfit to continue to live in her apartment. Christopher Moore challenged the allegations of safety manufactured by Federal Management employees and demanded verification of the allegations which Federal Management did not provide.
26. Federal Management conspired with Ethos and their employees to fabricate a report that Mrs. Moore had attempted suicide by walking in traffic all day in the streets of Boston. Based on this report Mrs. Moore was forcibly taken out of her home and to an emergency psychiatric clinic for a psychiatric examination. Federal Management employee Mary Gavin accompanied Mrs. Moore to the psychiatric clinic pretending to be Mrs. Moore social worker and providing medical personnel with falsified medical and safety reports about Mrs. Moore.
27. The psychiatric team examining Mrs. Moore concluded she was not mentally ill and immediately discharged Mrs. Moore back to her home at the Stearns.
28. Marisa Hosmer and the VNAB filed a false safety report concerning Mrs. Moore.
29. Mary Walker Howard, Kimberly Moody and Ethos filed false reports, including the false report from Marisa

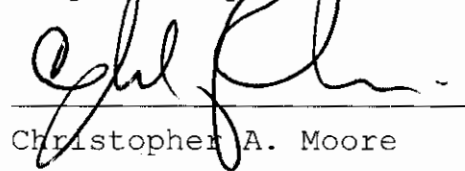
Hosmer and the VNAB, with the Suffolk County Probate Court that allowed them to obtain a court order to remove Mrs. Moore from her home. 2005 AUG 5 P 5:15 MASS.

30. Mary Walker Howard and Ethos brought Mrs. Moore to the Star of David where Mrs. Moore was put under a twenty-four hour lockup that housed patients with severe mental illness.
31. Dr. Murali Ramadurai ordered Mrs. Moore to be medicated with psychotropic medications including anti psychotic drugs.
32. Dr. James Rodgers performed a psychiatric examination on Mrs. Moore while she was under the influence of the psychotropic and anti psychotic medications.

WHEREFORE, the plaintiffs demand judgment against the defendants for compensatory and punitive damages plus interest, costs and attorney's fees, and such other relief as this court deems necessary, proper and just.

PLAINTIFFS DEMAND A TRIAL BY JURY.

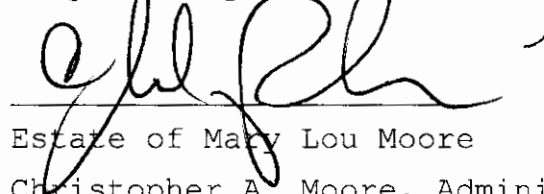
Respectfully Submitted



Christopher A. Moore

141 Intervale St., Boston, MA 02121

Respectfully Submitted



Estate of Mary Lou Moore

Christopher A. Moore, Administrator

141 Intervale St., Boston, MA 02121

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

CHRISTOPHER A. MOORE

DEFENDANTS

KINGRED HEALTHCARE OPERATING INC.

(b) County of Residence of First Listed Plaintiff SUFFOLK
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 1331 CIVIL RIGHTS ACT OF 1866

Brief description of cause:

False imprisonment, Due Process, Torture

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MASS.

1. Title of case (name of first party on each side only) CHRISTOPHER A. MOORE VS
KINDRED HEALTHCARE OPERATING, INC.

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2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

05-11732 RCL

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES ☒ NO ☐A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME CHRISTOPHER A. MOORE

ADDRESS 141 INTERVAL ST BOSTON MA 02121

TELEPHONE NO. 617 442 5999